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ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

SUPREME BEEF PROCESSORS, INC., )

Plaintiff, )

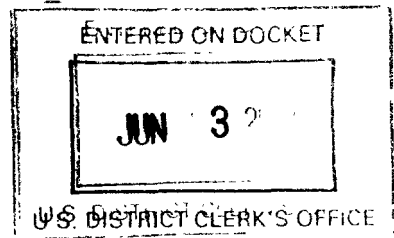
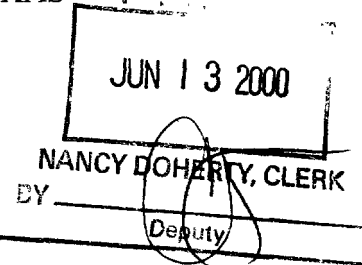
VS. )

UNITED STATES DEPARTMENT OF )  
AGRICULTURE, )

Defendant. )

CIVIL ACTION NO.

3:99-CV-2713-G



**FINAL JUDGMENT**

For the reasons stated in the Court's Memorandum Order entered on May 25, 2000, the Court enters Final Judgment as follows:

1. 9 C.F.R. § 310.25(b) is hereby declared to be outside the statutory authority of the United States Secretary of Agriculture (the "Secretary") and the United States Department of Agriculture ("USDA") to the extent that it allows the Secretary and/or USDA to:

- a. withdraw or suspend inspection services or withhold the mark of inspection on the basis of an alleged failure to comply with the *Salmonella* performance standard for ground beef contained in 9 C.F.R. § 310.25(b);
- b. conclude that an establishment's product is insanitary under 21 U.S.C. § 601(m)(4) on the basis of an alleged failure to comply with the *Salmonella* performance standard for ground beef contained in 9 C.F.R. § 310.25(b); and
- c. conclude that an establishment's product is adulterated under 21 U.S.C. § 601(m)(4) on the basis of an alleged failure to comply with the *Salmonella* performance standard for ground beef contained in 9 C.F.R. § 310.25(b).

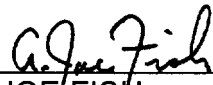
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2. The Secretary, USDA, and their officers, directors, employees, agents, inspectors, representatives, attorneys, departments and divisions, including the Food Safety and Inspection Service, and all persons acting in concert with them with actual or constructive notice of this Final Judgment, are hereby permanently enjoined and restrained from:

- a.. suspending or withdrawing the assignment of inspectors or withholding the mark of inspection for Supreme Beef Processors, Inc. due to an alleged failure to comply with the *Salmonella* performance standard for ground beef contained in 9 C.F.R. § 310.25(b);
- b. concluding that Supreme Beef Processors, Inc.'s establishment is insanitary under 21 U.S.C. § 601(m)(4) due to an alleged failure to comply with the *Salmonella* performance standard for ground beef contained in 9 C.F.R. § 310.25(b); and
- c. concluding that meat is adulterated under 21 U.S.C. § 601(m)(4) due to an alleged failure of Supreme Beef Processors, Inc. to comply with the *Salmonella* performance standard for ground beef contained in 9 C.F.R. § 310.25(b).

**SO ORDERED.**

June 13, 2000

  
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A. JOE FISH  
United States District Judge